

October 16, 2003 Consultants Meeting

Attendees:

Doug Dodge – Town Pump
Charlene Blundell – IGI
Ann O'Hagan – WCEC
Rob Brown – NTL
Steve Pettis – NCI
Tyler Etzel – Land & Water
Dennis Franks – RAM Environmental
Mark Johnson – RTI
Jed Thomas – Sage Resources
Paul Hicks – PTRCB
Terry Wadsworth - PTRCB
Jeff Kuhn – PRS- DEQ
Mike Trombetta – DEQ
Bill Hammer – PRS-DEQ
John Camper – Camper Communications

Information Presented:

Terry Wadsworth briefly discussed the legislative changes that were the result of HB 368 and HB 144. HB 368 changed the law to allow the board to hire its own staff to assist in administration of the fund. The Board decided it wanted to hire an Executive Director to assist with its duties. The Board received approximately 40 applicants for the position. Interviews were conducted in September and Terry was hired and began working with the Petroleum Fund Services staff in late September. On October 1, 2003, the Petroleum Fund Services staff of the department became the Board staff. Terry explained that there will be changes in board rules due to the changes in the law.

Terry Wadsworth discussed his background and work experience. The attached link is his biographical sketch: <http://www.deq.state.mt.us/petro/ConsltAgendas/agendadocs10-16-03/Wadsworth.pdf>

Terry provided a summary of the recent Petro Board Meeting. In his summary he discussed the fiscal report, attorney report, petroleum fund services report and the petroleum release section report which can be viewed in their entirety at the PTRCB meeting webpage <http://www.deq.state.mt.us/pet/Agendas/AGENDA10-6-03.asp>. Terry reported the Board has two new members: Terry Cosgrove – representative of general public and Frank Schumacher – representative of service station dealers. The board elected Barry Johnston as the Presiding Officer. Terry reported on the draft of the auditors report. The report contains four recommendations pertaining to the boards role, five on improving procedures and one on the future of the fund. The formal auditors report should be out in mid to late December.

Jeff Kuhn discussed consultants day tentatively arranged at Missoula University Conference Center on campus. Those present believe that middle February would be better time than November due to end-of-field-season commitments for many of the consultants in November. The format would be similar to previous consultant meetings.

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The department does try to rotate the locations around the state. Department will try to coordinate with other organizations that could occur back to back.

Jeff discussed fund ineligible remediation work. He discussed information from other state funds pertaining to actions taken without approval. There have been several sites that owners moved forward without corrective action plans because site was ineligible or there were business decisions driving the actions. The department will work with you to expedite plan reviews. In accordance with 75-11-309(2)(a), MCA the PTRC board shall affirmatively determine that the costs were actually, necessarily, and reasonably incurred for the preparation or implementation of a corrective action plan approved by the department. Therefore, it is important to obtain approval of corrective action plans in order to receive reimbursement according to the law. Additional information is included in the attached link:

<http://www.deq.state.mt.us/petro/ConsltAgendas/agendadocs10-16-03/Remediation.pdf>

Mike Trombetta handed out a responsiveness summary for comments received on the department's Draft Petroleum Release Closure Technical Guidance and the Final Technical guidance document #9 on Petroleum Releases Closure (Categorizing Petroleum Releases as Resolved). These links connect to the documents: <http://www.deq.state.mt.us/petro/ConsltAgendas/agendadocs10-16-03/ResponSummaryTGD9.pdf> and http://www.deq.state.mt.us/petro/ConsltAgendas/agendadocs10-16-03/TGD9-Closure_9-30-03.pdf

Mike Trombetta next handed out a working draft for discussion purposes proposed changes to Administrative Rules: Reporting of Suspected Releases (ARM 17.56.502), Release Investigation and Confirmation Steps (ARM 17.56.504), Initial Response and Abatement Measures (ARM 17.56.602), Remedial Investigation (ARM 17.56.604), New Rule I Reporting of Confirmed Releases, New Rule II Number of Petroleum Releases, New Rule III Release Categorization, New Rule IV Adoption by Reference, and New Rule V Adoption by Reference. This link connects to the document: ARMdiscussiondraft.doc

David Scrimm presented information to the group on Spill Prevention, Control and Countermeasures Plans (SPCC). The SPCC program is run by the EPA and not the DEQ. Generally, a SPCC plan is required if: the facility stores more 1,320 gallons of oil products and a release from the facility could reach the waters of the United States. The plan must be prepared by a professional engineer and be reviewed every five years. The plans deal with secondary containment, employee training and security measures. Check with EPA for more information.

The next meeting will be on December 4, 2003 from 10:00 to 12:00.

Several members asked about the possibility of participating in these meeting via conference call. Paul Hicks indicated that consultants could join these meets via conference call. He would make information available to the group on how to join the next meeting via conference call.

Topics for the next meeting will be monitoring well construction policy, changes to RBCA standards, and test pit sampling and investigations.

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